

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00319-CRC**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Judge Christopher R. Cooper

Demand: \$0

Cause: 05:552 Freedom of Information Act

Plaintiff

AMERICAN OVERSIGHT

Date Filed: 02/12/2018

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

represented by **Austin Ridgely Evers**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5245
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
ATTORNEY TO BE NOTICED

Daniel Alexander McGrath
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 897-4213
Email: daniel.mcgrath@americanoversight.org
ATTORNEY TO BE NOTICED

Cerissa Cafasso
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Michael Joseph Gerardi**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 616-0680
Fax: (202) 616-8460
Email: michael.j.gerardi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/12/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5328481) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Cafasso, Cerissa) (Entered: 02/12/2018)

02/12/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (Cafasso, Cerissa) (Entered: 02/12/2018)
02/12/2018	<u>3</u>	NOTICE of <i>corrected summonses</i> by AMERICAN OVERSIGHT re <u>1</u> Complaint (Attachments: # <u>1</u> Summons, # <u>2</u> Summons)(Cafasso, Cerissa) (Entered: 02/12/2018)
02/12/2018		Case Assigned to Judge Christopher R. Cooper. (zsb) (Entered: 02/12/2018)
02/12/2018	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 02/12/2018)
03/14/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/20/2018. (Answer due for ALL FEDERAL DEFENDANTS by 3/22/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 2/20/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/20/2018. (Attachments: # <u>1</u> Exhibit A)(Cafasso, Cerissa) (Entered: 03/14/2018)
03/22/2018	<u>6</u>	NOTICE of Appearance by Michael Joseph Gerardi on behalf of U.S. DEPARTMENT OF JUSTICE (Gerardi, Michael) (Entered: 03/22/2018)
03/22/2018	<u>7</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF JUSTICE.(Gerardi, Michael) Modified to add link on 3/23/2018 (znmw). (Entered: 03/22/2018)
03/22/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by April 6, 2018. Signed by Judge Christopher R. Cooper on 3/22/2018. (lccrc2) (Entered: 03/22/2018)
03/23/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 4/6/2018 (lsj) (Entered: 03/23/2018)
04/06/2018	<u>8</u>	Joint STATUS REPORT <i>Regarding Scheduling</i> by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 04/06/2018)
04/09/2018		MINUTE ORDER: In light of <u>8</u> the parties' joint status report, the parties shall file a further joint status report by May 7, 2018 apprising the Court on the progress of Defendant's search for records and, if applicable, proposing a further schedule for production. Signed by Judge Christopher R. Cooper on 4/9/2018. (lccrc2) (Entered: 04/09/2018)
04/10/2018		Set/Reset Deadlines: Joint Status Report due by 5/7/2018 (lsj) (Entered: 04/10/2018)
05/07/2018	<u>9</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 05/07/2018)
05/08/2018		MINUTE ORDER: In light of <u>9</u> the parties' joint status report, the parties shall submit a further joint status report by June 14, 2018 proposing a further schedule for production. Signed by Judge Christopher R. Cooper on 5/8/2018. (lccrc2) (Entered: 05/08/2018)
05/08/2018		Set/Reset Deadlines: Joint Status Report due by 6/14/2018 (lsj) (Entered: 05/08/2018)
06/14/2018	<u>10</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 06/14/2018)
06/15/2018		MINUTE ORDER: In light of <u>10</u> the parties' joint status report, the parties are directed to file a further joint status report by August 10, 2018 updating the Court on the status of the case and, if necessary, proposing a further schedule for production or briefing. Signed by Judge Christopher R. Cooper on 6/15/2018. (lccrc2) (Entered: 06/15/2018)
06/18/2018		Set/Reset Deadlines: Joint Status Report due by 8/10/2018 (lsj) (Entered: 06/18/2018)
08/10/2018	<u>11</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 08/10/2018)

08/13/2018		MINUTE ORDER: In light of <u>11</u> the parties' joint status report, the parties are directed to file a further joint status report by August 24, 2018 updating the Court on the status of the case and proposing a schedule for further production or briefing as necessary. Signed by Judge Christopher R. Cooper on 8/13/2018. (lccrc2) (Entered: 08/13/2018)
08/13/2018		Set/Reset Deadlines: Joint Status Report due by 8/24/2018 (lsj) (Entered: 08/13/2018)
08/24/2018	<u>12</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 08/24/2018)
08/24/2018		MINUTE ORDER in light of <u>12</u> the parties' joint status report, the parties are directed to file a further joint status report by September 21, 2018, updating the Court on the status of the case and proposing a schedule for further production or briefing as necessary. Signed by Judge Christopher R. Cooper on 8/24/2018. (lccrc2) (Entered: 08/24/2018)
08/24/2018		Set/Reset Deadlines: Status Report due by 9/21/2018 (lsj) (Entered: 08/24/2018)
09/19/2018	<u>13</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 09/19/2018)
09/20/2018		MINUTE ORDER: In light of the parties' September 19, 2018 joint status report, the parties are directed to file a fresh joint status report on or before October 2, 2018, updating the Court on the parties' discussions and proposing a schedule for any further proceedings, if necessary. Signed by Judge Christopher R. Cooper on 9/20/2018. (lccrc2) (Entered: 09/20/2018)
09/20/2018		Set/Reset Deadlines: Joint Status Report due by 10/2/2018 (lsj) (Entered: 09/20/2018)
10/02/2018	<u>14</u>	Joint STATUS REPORT by AMERICAN OVERSIGHT. (Cafasso, Cerissa) (Entered: 10/02/2018)
10/04/2018		VACATED PURSUANT TO MINUTE ORDER ENTERED 10/31/2018.....MINUTE ORDER: In light of the parties' <u>14</u> joint status report on October 2, 2018, the following briefing schedule shall apply: Defendant's Motion for Summary Judgment shall be due October 31, 2018; Plaintiff's Opposition and Cross-Motion for Summary Judgment shall be due November 27, 2018; Defendant's Reply and Opposition to Plaintiff's Cross-Motion shall be due December 21, 2018; and Plaintiff's Reply shall be due January 18, 2019. Signed by Judge Christopher R. Cooper on 10/4/2018. (lccrc2) Modified on 11/1/2018 (zlsj). (Entered: 10/04/2018)
10/04/2018		Set/Reset Deadlines: Summary Judgment motions due by 10/31/2018. Response to Motion for Summary Judgment and Cross Motion due by 11/27/2018. Defendant's Reply and Opposition to Motion for Summary Judgment due by 12/21/2018. Plaintiff's Replies due by 1/18/2019. (lsj) (Entered: 10/04/2018)
10/31/2018	<u>15</u>	Consent MOTION to Amend/Correct Order,, <i>Setting Summary Judgment Briefing Schedule</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 10/31/2018)
10/31/2018		MINUTE ORDER granting <u>15</u> Defendant's Consent Motion to Amend the Briefing Schedule. The Court's 10/4/2018 minute order setting a briefing schedule is hereby vacated, and the following briefing schedule shall apply: Defendant's motion for summary judgment shall be due November 16, 2018; Plaintiff's combined opposition and cross-motion for summary judgment shall be due December 13, 2018; Defendant's reply and opposition shall be due January 10, 2019; and Plaintiff's reply shall be due January 25, 2019. Signed by Judge Christopher R. Cooper on 10/31/2018. (lccrc2) Modified on 11/1/2018 (zlsj). (Entered: 10/31/2018)
11/01/2018		Set/Reset Deadlines: Summary Judgment motions due by 11/16/2018. Response to Motion for Summary Judgment due by 12/13/2018. Reply to Motion for Summary Judgment due by 1/10/2019. Replies due by 1/25/2019. (lsj) (Entered: 11/01/2018)
11/16/2018	<u>16</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Brinkmann Declaration, # <u>4</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 11/16/2018)
11/20/2018		NOTICE OF ERROR re <u>16</u> Motion for Summary Judgment; emailed to michael.j.gerardi@usdoj.gov, cc'd 4 associated attorneys — The PDF file you

		docketed contained errors: 1. Incorrect document/case, 2. Incorrect caption and case number or incorrect document attached as Memorandum in Support; Please file an Errata with corrected memorandum attached. (znmw,) (Entered: 11/20/2018)
11/20/2018	<u>17</u>	ERRATA (<i>Corrected Caption</i>) by U.S. DEPARTMENT OF JUSTICE <u>16</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Corrected Motion, # <u>2</u> Corrected Memoranda)(Gerardi, Michael) (Entered: 11/20/2018)
12/13/2018	<u>18</u>	Cross MOTION for Summary Judgment by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration, # <u>4</u> Statement of Facts)(Cafasso, Cerissa) (Entered: 12/13/2018)
12/13/2018	<u>19</u>	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration, # <u>3</u> Statement of Facts)(Cafasso, Cerissa) (Entered: 12/13/2018)
12/26/2018	<u>20</u>	MOTION to Stay <i>Forthcoming Briefing Deadlines in Light of a Lapse in Appropriations</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 12/26/2018)
12/27/2018		MINUTE ORDER granting <u>20</u> Defendant's Motion to Stay Briefing Deadlines. All deadlines shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 12/27/2018. (lccrc2) (Entered: 12/27/2018)
01/31/2019	<u>21</u>	NOTICE <i>TO THE COURT OF RESTORATION OF APPROPRIATIONS</i> by U.S. DEPARTMENT OF JUSTICE (Gerardi, Michael) (Entered: 01/31/2019)
02/01/2019		MINUTE ORDER: In light of <u>21</u> Notice of Restored Government Funding, the stay in this case is lifted. The following deadlines shall now apply: Defendant's response and reply is due on or before February 28, 2019, and Plaintiff's reply is due on or before March 14, 2019. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019)
02/05/2019		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 2/28/2019. Replies due by 3/14/2019. (lsj) (Entered: 02/05/2019)
02/28/2019	<u>22</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION for Summary Judgment , <u>18</u> Cross MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 02/28/2019)
03/05/2019		MINUTE ORDER granting <u>22</u> Defendant's Motion for Extension of Time to File Response/Reply Brief. The parties shall file a joint status report on or before March 7, 2019, proposing an updated deadline for Defendant's response-reply brief and Plaintiff's reply. Signed by Judge Christopher R. Cooper on 3/5/2019. (lccrc2) (Entered: 03/05/2019)
03/07/2019	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 03/07/2019)
03/08/2019		MINUTE ORDER: In light of <u>23</u> the parties' joint status report, Defendant's response-reply is due on or before April 26, 2019, and Plaintiff's reply is due on or before May 15, 2019. Plaintiff may move to modify the above schedule for good cause after reviewing the records. Signed by Judge Christopher R. Cooper on 3/8/2019. (lccrc2) Modified on 3/11/2019 (zlsj). (Entered: 03/08/2019)
03/11/2019		Set/Reset Deadlines: Responses due by 4/26/2019. Replies due by 5/15/2019. (lsj) (Entered: 03/11/2019)
03/11/2019		Set/Reset Deadlines: Responses due by 4/26/2019 Replies due by 5/15/2019. (lsj) (Entered: 03/11/2019)
04/12/2019	<u>24</u>	NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Entered: 04/12/2019)